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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,859	12/03/2004	Casimir Johan Crawley	PU020269	7325

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Thomson Licensing Inc
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Princeton, NJ 08543-5312

EXAMINER

HU, RUI MENG

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/516,859

Applicant(s)

CRAWLEY, CASIMIR JOHAN

Examiner

RuiMeng Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/03/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Preliminary Amendment

1. The present Office Action is based upon the original patent application filed on 12/03/2004 as modified by the preliminary amendment filed on 12/03/2004. **Claims 1-17** are now pending in the present application.

Information Disclosure Statement

2. The information disclosure statement submitted on 12/03/2004 been considered by the Examiner and made of record in the application file.

Claim Objections

3. **Claim 4** is objected to because of the following informality:
a) In claim 4, replace "eight-to-four" with --eight-to-fourteen--.
Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 claims a computer readable medium, however, the specification fails to mention examples of such readable medium. Therefore, said readable medium is not

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limited to physical devices and could reasonably include propagating electrical signals which do not fall under statutory subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-3,5,7,9-14,16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Zuqert et al. (US Patent 6466832)**.

Consider **claim 1**, Zuqert et al. clearly disclose apparatus comprising: a receiver for receiving an audio file signal (Abstract, figure 7); a decoder for demodulating said audio file signal (figure 7, down-converters 38, base-band processors 40); and a processor for polling said decoder for a loss of a phase lock in said demodulating of said audio file signal (column 18 lines 17-26).

Consider **claim 2 as applied to claim 1**, **claim 13 as applied to claim 12** Zuqert et al. clearly disclose wherein said processor resets and reinitializes said decoder in response to said loss in said phase lock (column 19 line 47-column 20 line 11, resetting and reinitializing said demodulating in reply to the channel quality as based

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on the CRC error rate (i.e. as due to interference) and the signal strength, said CRC error rate is in dependence of loss of phase locking wherein due to the interference).

Consider **claim 3 as applied to claim 1, claim 9 as applied to claim 7, claim 14 as applied to claim 12**, Zuqert et al. clearly disclose wherein said receiver comprises 900 MHz radio frequency reception circuitry (column 16 lines 58-60).

Consider **claim 5 as applied to claim 1, claim 10 as applied to claim 7, claim 16 as applied to claim 12**, Zuqert et al. clearly disclose wherein said decoder outputs a digital audio stream (figure 7, digital audio stream going into D/A converter 42).

Consider **claim 7**, Zuqert et al. clearly disclose a computer readable medium containing software instructions that (column 16 lines 33-45, the processor containing software instructions adaptively controls operation of the receiver), when executed by a processor, perform the steps of: receiving a modulated audio file signal (figure 7, Abstract); demodulating said modulated audio file signal (figure 7, down-converters 38, base-band processors 40); polling said demodulating for a loss in a phase lock in said demodulating (column 18 lines 17-26); resetting and reinitializing said demodulating in reply to said loss in said phase lock (column 19 line 47-column 20 line 11, resetting and reinitializing said demodulating in reply to the channel quality as based on the CRC error rate (i.e. as due to interference) and the signal strength, said CRC error rate is in dependence of loss of phase locking wherein due to the interference).

Consider **claim 11 as applied to claim 7**, Zuqert et al. clearly disclose wherein said polling is carried out by a processor (column 18 lines 17-26).

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Consider **claim 12**, Zuqert et al. clearly disclose a method for detecting a signal loss in a wireless audio file signal transmission (Abstract, figure 7, column 18 lines 17-26), said method comprising the steps of: receiving an audio file signal (Abstract); decoding said audio file signal (figure 7, down-converters 38, base-band processors 40); and polling said decoding for a loss of a phase lock in said decoding of said audio file signal (column 18 lines 17-26).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 4,6,8,15,17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Zuqert et al. (US Patent 6466832)**.

Consider **claim 4** as applied to **claim 1**, **claim 8** as applied to **claim 7**, **claim 15** as applied to **claim 12**, Zuqert et al. clearly disclose the digital audio source may

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comprise CD data (column 10 lines 9-12), however Zuqert et al. fail to disclose wherein said decoder comprises an eight-to-fourteen modulation EFM decoder. However, official notice is taken that an EFM decoder is well known in the art as to decode CD data. Therefore, it would have been obvious to use an EFM decoder in the receiver in order to decode the CD data.

Consider **claim 6 as applied to claim 5, claim 17 as applied to claim 16**, Zuqert et al. fail to disclose wherein said digital audio stream conforms to an I2S audio stream. However, official notice is taken that I2S is used for digital electronic devices (as a CD player) is well known in the art. Therefore, it would have been obvious to use I2S interface to correspond the existing digital audio stream, and output stereo.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RuiMeng Hu
R.H./rh
January 19, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 1/20/07